UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PEERLESS INDEMNITY INSURANCE COMPANY, Plaintiff, v. LISA RICCHIO, BIJAL, INC. D/B/A SHANGRI-LA MOTEL, ASHVINKUMAR PATEL, SIMA PATEL, and CLARK McLEAN Defendants.	C.A. NO. 1:16-cv-10032

ANSWER OF DEFENDANT LISA RICCHIO TO PEERLESS INDEMNITY INSURANCE COMPANY'S COMPLAINT FOR DECLARATORY JUDGMENT

I. General Denial

Unless expressly admitted below, Lisa Ricchio ("Ms. Ricchio") denies each and every allegation Plaintiff sets forth in its Complaint.

II. PRELIMINARY STATEMENT

1. Ms. Ricchio admits that she filed the civil action, captioned Lisa Ricchio v. Bijal, Inc. d/b/a Shangri-La Motel, Ashvinkumar Patel, Sima Patel, and Clark McLean, Civil Action No. 1:15-cv-13519, in the United States District Court for the District of Massachusetts (the "Ricchio Action"). The allegations in Ms. Ricchio's Complaint filed in the Ricchio Action speak for themselves. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 1, relating to the contractual relationship between Peerless Indemnity Insurance Company ("Peerless") and the defendants named in the Ricchio Action, and therefore denies them.

III. THE PARTIES

2. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 2 of the Complaint and therefore denies them.

3. Ms. Ricchio admits that she was a citizen of Maine at the time she filed the Ricchio Action, but denies that she is currently a citizen of Maine.

4. Ms. Ricchio believes that, at the time she filed the Ricchio Action, Bijal's principal place of business was in Seekonk, Massachusetts. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to Bijal's current principal place of business.

5. Ms. Ricchio believes that, at the time she filed the Ricchio Action, Mr. Patel was a citizen of Massachusetts. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to Mr. Patel's place of citizenship.

6. Ms. Ricchio believes that, at the time she filed the Ricchio Action, Ms. Patel was a citizen of Massachusetts. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to Ms. Patel's current place of citizenship.

7. Ms. Ricchio admits that, at the time she filed the Ricchio Action, Mr. McLean was being held in the Massachusetts Treatment Center in Bridgewater. Ms. Ricchio lacks knowledge or information sufficient to form a belief as Mr. McLean's current place of citizenship.

IV. JURISDICTION AND VENUE

8. Paragraph 8 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 8 of the Complaint and therefore denies them.

9. Paragraph 9 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio admits the allegations set forth in Paragraph 9 of the Complaint.

10. Paragraph 10 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio admits the allegations set forth in Paragraph 10 of the Complaint.

11. Paragraph 11 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio admits the allegations set forth in Paragraph 11 of the Complaint.

12. Paragraph 12 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio admits the allegations set forth in Paragraph 12 of the Complaint.

13. Paragraph 13 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio admits the allegations set forth in Paragraph 13 of the Complaint.

V. FACTUAL BACKGROUND

14. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 14 of the Complaint and therefore denies them.

15. The allegations in Ms. Ricchio's Complaint filed in the Ricchio Action speak for themselves.

16. Ms. Ricchio admits the allegations set forth in Paragraph 16 of the Complaint.

17. Ms. Ricchio admits the allegations set forth in Paragraph 17 of the Complaint.

18. The allegations in Ms. Ricchio's Complaint filed in the Ricchio Action speak for themselves.

19. The allegations in Ms. Ricchio's Complaint filed in the Ricchio Action speak for themselves.

20. Ms. Ricchio admits that she initiated the Ricchio Action on or about October 7, 2015, and named Bijal, Mr. Patel, Ms. Patel, and Mr. McLean as Defendants.

21. The allegations in Ms. Ricchio's Complaint filed in the Ricchio Action speak for themselves.

VI. APPLICABLE POLICY PROVISIONS

A. The CGL Policy

22. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 22 of the Complaint and therefore denies them.

B. The Umbrella Policy

23. Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 23 of the Complaint and therefore denies them.

VII. COUNTS FOR DECLARATORY RELIEF

24. Ms. Ricchio refers to and incorporates her responses as set forth in Paragraphs 1 through 23 above, as if set forth fully herein.

25. Paragraph 25 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 25 of the Complaint and therefore denies them.

26. Paragraph 26 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio lacks knowledge or information

sufficient to form a belief as to the allegations set forth in Paragraph 26 of the Complaint and therefore denies them.

27. Paragraph 27 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is required, Ms. Ricchio lacks knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph 27 of the Complaint and therefore denies them.

RESPONSE TO PRAYER FOR RELIEF

Ms. Ricchio denies that Peerless is entitled to the relief requested or any other relief.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Plaintiff lacks standing to assert the claims set forth in the Complaint against Defendants Lisa Ricchio.

Third Affirmative Defense

Some or all of Plaintiff's claims are barred by the doctrines of estoppel, waiver, and/or release.

Fourth Affirmative Defense

There is not an actual, substantial, and continuing justiciable case or controversy between Plaintiff and Defendant Lisa Ricchio.

Fifth Affirmative Defense

There is no privity between Plaintiff and Defendant Lisa Ricchio.

Respectfully submitted,

Lisa Ricchio

By Her Attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document, filed through the ECF system, will be sent electronically to the registered participants of record as identified on the Notice of Electronic Filing on May 30, 2017. In addition, I hereby certify that a true and correct copy of the above document will be mailed by First Class Mail on May 30, 2017 to:

Clark McLean
39 O'Donnell Drive
Attleboro, MA 02703

/s/ Cynthia D. Vreeland
Cynthia D. Vreeland